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 12 Claimants CYLINK, CARO-KANN CORPORATION  
 AND THE BOARD OF TRUSTEES OF THE  
 13 LELAND STANFORD JUNIOR UNIVERSITY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

16 ROGER SCHLAFLY,

17 Plaintiff,

18 v.

19 PUBLIC KEY PARTNERS AND RSA DATA  
SECURITY, INC.,

20 Defendants,

22 RSA DATA SECURITY, INC.,

23 Plaintiff,

24 v.

25 CYLINK CORPORATION and CARO-KANN  
CORPORATION, et al.26 Defendants.  
27

No. C-94-20512 SW

**OBJECTIONS OF STANFORD  
 UNIVERSITY, CYLINK AND CARO-  
 KANN TO THE PROPOSED JURY  
 INSTRUCTIONS OF ROGER  
 SCHLAFLY**

Date: October 1, 1996

Time: 10:00 a.m.

Judge: Spencer Williams

No. C-96-~~20094~~ SW

1 Pursuant to this Court's Order, defendants and counter-  
2 claimants, Cylink Corporation, Caro-Kann Corporation and The Board  
3 of Trustees of the Leland Stanford Junior University, hereby file  
4 the following objections to the Proposed Jury Instructions on  
5 Stanford Patents of Roger Schlafly, in connection with the hearing  
6 on claim construction scheduled for October 1, 1996:<sup>1</sup>

7 1. Schlafly's proposed instructions regarding the legal  
8 principles to be applied are objectionable to the extent that  
9 they concern issues of validity rather than claim construction.  
10 Such proposed instructions are premature.

11 2. Schlafly's proposed instruction concerning the  
12 provisions of 35 U.S.C. § 112, ¶ 6 is objectionable only  
13 insofar as it is incomplete, omitting instruction regarding  
14 "equivalence" and the matters that the jury is required to  
15 consider in determining equivalence.

16 3. Schlafly's proposed instructions regarding the  
17 definition of the terms "key generator" and "secure," are  
18 objectionable insofar as the proffered definitions are  
19 ambiguous and likely to confuse the jury.

20 4. Schlafly's proposed instructions regarding the terms  
21 "secure," "computationally infeasible," "feasible," "infeasible  
22 to invert," and "computational methods" are objectionable  
23 insofar as the proffered definitions are contrary to the  
24 definitions of these terms set forth in the patent itself.

25 5. All of Schlafly's proposed instructions are  
26 \_\_\_\_\_

27 <sup>1</sup> The accompanying Memorandum of Stanford University, Cylink,  
28 and Caro-Kann Regarding the Parties' Proposed Jury Instructions sets  
forth the legal and factual bases for these objections in detail.

1 objectionable to the extent that each contains the defects  
2 noted above and/or is contrary to the law of the facts of the  
3 case.

4 Dated: September 24, 1996

5 MORRISON & FOERSTER LLP  
6 ALSTON & BIRD

7  
8 By: 

Karl J. Kramer

9 Attorneys for Defendants and  
10 Counter-Claimants CYLINK  
11 CORPORATION, CARO-KANN  
12 CORPORATION AND THE BOARD OF  
13 TRUSTEES OF THE LELAND STANFORD  
14 JUNIOR UNIVERSITY  
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